

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|---|---------------------------|---|------------------------------------|---------------------------------|
| Investigator: Christopher Conway | Team: Team # 6 | CCRB Case #: 201405143 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Saturday, 05/24/2014 7:00 PM | Location of Incident: In front of 3125 Park Avenue | Precinct: 44 | 18 Mo. SOL 11/24/2015 | EO SOL 11/24/2015 | |
| Date/Time CV Reported Tue, 05/27/2014 2:49 PM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Tue, 05/27/2014 2:49 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. POF Tashida Wilson | 17067 | 945105 | 044 PCT |
| 2. POF Eula Harris | 09247 | 950563 | 044 PCT |
| 3. POM Rafael Morales | 14062 | 944827 | 044 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|----------------------|-----------|--------|----------|
| 1. SGT Kevin Grayson | 02293 | 921393 | 044 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|--|-----------------------------|
| A.POF Tashida Wilson | Abuse: PO Tashida Wilson stopped the car in which § 87(2)(b) was an occupant. | |
| B.POM Rafael Morales | Abuse: PO Rafael Morales frisked § 87(2)(b) | |
| C.POM Rafael Morales | Abuse: PO Rafael Morales searched the car in which § 87(2)(b) was an occupant. | |
| D.POM Rafael Morales | Abuse: PO Rafael Morales searched § 87(2)(b) | |
| | § 87(4-b), § 87(2)(g) | |

Case Summary

On May 27, 2014, § 87(2)(b) filed this complaint with the CCRB by phone. She complained that around 7:00 p.m. on May 24, 2014, she was arrested outside 3125 Park Avenue in the Bronx for § 87(2)(b). The following allegations resulted:

Allegation A—Abuse of Authority: PO Tashida Wilson stopped the car in which § 87(2)(b) was an occupant.

§ 87(2)(g)

Allegation B—Abuse of Authority: PO Rafael Morales frisked § 87(2)(b)

Allegation C—Abuse of Authority: PO Rafael Morales searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(g)

Allegation D—Abuse of Authority: PO Rafael Morales searched § 87(2)(b)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

As this case involved an arrest, it was not eligible for mediation.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) on the incident date. She is a Hispanic female who stands at 5'0 and weighs 125 pounds with brown hair and brown eyes. § 87(2)(b)

CCRB Testimony

On May 30, 2014, § 87(2)(b) provided a phone statement to the CCRB (encl. 5a). On June 6, 2014, § 87(2)(b) was interviewed at the CCRB (encl. 5b-e). § 87(2)(g)

On May 24, 2014, § 87(2)(b)'s boyfriend, § 87(2)(b) picked her up at her house at § 87(2)(b). § 87(2)(b) had just bought a new BMW sedan. § 87(2)(b) friend § 87(2)(b) was in the passenger's seat, and § 87(2)(b) got into the back passenger seat. § 87(2)(b) did not know § 87(2)(b) real name or contact information. They drove to West 181st Street in Manhattan to pick up § 87(2)(b) sister, and then dropped her off at his home at § 87(2)(b) in the Bronx. § 87(2)(b) then drove past the Morrisania Air Rights NYCHA development, approximately a block from the intersection of Courtlandt Avenue and East 161st Street. § 87(2)(b)

§ 87(2)(b) greeted a friend outside the projects; § 87(2)(b) did not know this friend, but stated he did not come in the car, and she did not know if any handshake or other contact was made. About thirty seconds after § 87(2)(b) drove away, a marked NYPD RMP pulled them over. It was approximately 6:30 p.m. when they were stopped in front of a location identified by the investigation as 3125 Park Avenue.

An officer identified by the investigation as PO Rafael Morales¹, who was the driver of the RMP, approached § 87(2)(b) on the driver's side and officers identified by the investigation PO Tashida Wilson¹ and PO Eula Harris¹ approached the passenger side. PO Morales asked § 87(2)(b) for his license and registration. § 87(2)(b) found the registration in the glove compartment, but could not find his license. § 87(2)(b) realized he had left his license at the dealership where he bought the car, and he explained this to PO Morales. PO Morales told him to step out of the car, and PO Wilson and PO Harris asked § 87(2)(b) and § 87(2)(b) if they had licenses. § 87(2)(b) said that he had one, which he provided.

§ 87(2)(b) stepped out of the car, and PO Morales patted down his body, starting at his arms and going down to his torso, waistband, and legs. § 87(2)(b) did not see if he went into § 87(2)(b) pockets. After frisking § 87(2)(b) PO Morales said that he was going to search the car, and if they had no weapons or drugs, he would let them go. PO Wilson and PO Harris asked § 87(2)(b) and § 87(2)(b) to step out of the vehicle; as their doors faced the street, they exited and walked around the car to get back onto the sidewalk. § 87(2)(b) was not sure if any other civilians were watching at this point.

Before searching the car, PO Morales asked § 87(2)(b) if he had drugs or weapons. § 87(2)(b) said no, and said that he just graduated with a degree in criminal justice, and wanted to be a police officer. PO Morales told him, "Congratulations," and commenced the search. He searched the front seats, the glove compartment, and the back seats. PO Harris said to § 87(2)(b) "You know you can't have the tints that dark." § 87(2)(b) explained that he was going to change them, but he had just bought the car two hours ago, so he had not had the time. PO Harris asked § 87(2)(b) who § 87(2)(b) was to her, and she replied he was her boyfriend. When PO Morales got to the back seat, he searched through § 87(2)(b)'s purse, and opened up a zipper on the interior of the purse. He muttered something to PO Wilson and PO Harris, and they talked amongst themselves for a moment.

PO Morales approached § 87(2)(b) and said, "You got mace?" § 87(2)(b) had never heard the term "mace" before so she did not know what this meant. § 87(2)(b) told her that it meant pepper spray. § 87(2)(b) said she indeed had pepper spray in her bag. § 87(2)(b) was referring to a small black keychain pepper spray canister that had been given to her by her cousin six years ago for protection. § 87(2)(b) had never used it and rarely took it out of her purse. PO Wilson said, "Did you know that's illegal?" § 87(2)(b) responded, "I didn't know it's illegal, they literally sell it in stores. Can you give me a chance?" PO Wilson said that they would take § 87(2)(b) in, and give her a ticket. PO Wilson placed handcuffs on § 87(2)(b) while PO Morales told § 87(2)(b) to drive the BMW, since he had a license. Everyone was surprised by what was happening. PO Wilson walked § 87(2)(b) back to the RMP, and together the officers left and drove to the 44th Precinct stationhouse. § 87(2)(b) and § 87(2)(b) stayed behind, and did not receive any summons.

In the stationhouse, PO Wilson logged § 87(2)(b) in at the front desk. The desk sergeant asked what she was in for, and PO Wilson told him she had mace. Around 11:00 p.m. PO Wilson issued § 87(2)(b) a Desk Appearance Ticket, and released her. § 87(2)(b)'s pepper spray was not returned to her.

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) on the incident date. He is a Hispanic male who at the time of the incident had just graduated from college.

CCRB Testimony

On June 20, 2014, and July 10, 2014, § 87(2)(b) was interviewed by phone. He returned his signed and notarized verification form by mail on August 13, 2014 (encl. 6a-c).

§ 87(2)(g)
§ 87(2)(b). Around 6:45 p.m. on May 24, 2014, § 87(2)(b) was driving to East 153rd Street and Park Avenue in the Bronx with his friend § 87(2)(b) in the passenger's seat and § 87(2)(b) in the back seat. On the date of the incident, § 87(2)(b) had just purchased a brand-new BMW 535 sedan, and was going to show it to his best friend from middle school. § 87(2)(b) did not know his friend's name or contact information, and did not know § 87(2)(b) last name or contact information.

§ 87(2)(b) met his middle school friend at 153rd Street and Park Avenue and spoke to him for two or three minutes, before driving off. An unspecified distance later on Park Avenue (determined to be in the vicinity of East 159th Street and Park Avenue), § 87(2)(b) was pulled over by a marked police car with three officers inside. His middle school friend was not a witness, as he was several blocks further back down the street. An officer identified as PO Rafael Morales¹ approached § 87(2)(b) on the driver's side and officers identified by the investigation as PO Tashida Wilson and PO Eula Harris¹ approached the passenger's side. PO Morales told § 87(2)(b) that he was being pulled over for having dark tints on his windows. § 87(2)(b) explained that he had just bought the car two hours prior, and so the tints were the kind that came with the car. PO Morales then asked § 87(2)(b) to step out of the vehicle.

§ 87(2)(b) exited the car and stood by the driver's side door, and PO Morales said he was going to "check him for weapons." PO Morales patted down § 87(2)(b) pants pockets and down his legs, but he did not put his hands inside the pockets. PO Morales did not find any contraband. PO Morales then said he was going to check the whole car for weapons. The officers asked § 87(2)(b) and § 87(2)(b) to step out of the car, and the officers made them all stand near the back of the BMW as PO Morales searched the interior of the car. PO Morales searched both the front and the back of the car, although because § 87(2)(b) was watching from the back of the car through the tints he could not see in detail exactly what PO Morales was searching. An officer identified by the investigation as PO Wilson opened up the back door of § 87(2)(b) car, nearly hitting a car that was passing by. The driver of this car yelled profanity at PO Wilson as she drove away. Other than this, § 87(2)(b) did not believe there were other witnesses to what was happening.

§ 87(2)(b)'s purse had been sitting on the back seat during this search. When PO Morales got to the back seat, he opened up § 87(2)(b)'s purse, and found a canister of pepper spray somewhere inside. § 87(2)(b) could not describe where exactly inside this purse the pepper spray was located. PO Morales then told PO Wilson to handcuff § 87(2)(b). PO Wilson apprehended § 87(2)(b) and walked her to the RMP, and the officers drove off. § 87(2)(b) was not issued a summons for the tints or any other violation. § 87(2)(b) was released from the precinct stationhouse several hours later.

Attempts to Locate Witnesses and Video Footage

§ 87(2)(b) described a third individual in the stopped vehicle, but said it was § 87(2)(b) friend and could only identify him by nickname as § 87(2)(b). § 87(2)(b) said he only knew that § 87(2)(b) first name was § 87(2)(b) and he lived at § 87(2)(b). § 87(2)(b) did not know the apartment number or § 87(2)(b) phone number, and could provide no further information. BADS searches were conducted for individuals arrested with the first name § 87(2)(b) with the nickname § 87(2)(b) within the confines of the 44th Precinct, and born between 1987 and 1993,

seeking any individual named § 87(2)(b) residing at § 87(2)(b). All these BADS searches were unsuccessful.

A LexisNexis search indicated a possible individual at the above address named § 87(2)(b) with an apartment number and phone number. Between September 26, 2014, and October 9, 2014, five phone calls and two letters were sent to § 87(2)(b) on October 9, 2014, § 87(2)(b) sister answered, stated she did not know § 87(2)(b) or § 87(2)(b) but she would ask § 87(2)(b) if he knew them and if so, have him call back. To date, § 87(2)(b) has not called the investigation.

A search indicated there were no TARU cameras in the vicinity of the incident location. A call to PSA7 indicated that Viper Unit #11 was their associated Viper Unit. On June 13, 2014, a phone call was made to Viper #11 and PO Matthew Zucker stated that the Morrisania Air Rights NYCHA development is not a Viper building and has no surveillance cameras there.

Field work was conducted on August 15, 2014, in the vicinity of 3125 Park Avenue. The entire front of the building was covered in tall scaffolding, § 87(2)(g). There was no security post in front of or inside the building, and no front office. The undersigned spoke to five individuals congregated immediately in front of 3125 Park Avenue asking if they had witnessed the arrest or heard of anyone who knew about it, to negative results. All individuals said that they had never heard of any such incident happening.

A video camera was spotted facing west-southwest from 300 East 159th Street on the southeast corner of East 159th Street and Park Avenue, with an associated phone number for the management company of that building. On September 2, 2014, a phone call was placed to this number and a voicemail left requesting a call back, but to date this has not been returned. On September 25, 2014, another phone call was made, and § 87(2)(b) stated that footage is only kept for thirty days, but advised to call her boss § 87(2)(b). On September 26, 2014, a phone call was placed to § 87(2)(b) who advised that his cameras were operated by a Russian man named “§ 87(2)(b) from Brooklyn, who charged \$250 to retrieve any video footage, and he cannot view it himself. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

NYPD Statements:

Witness Officer: PO TASHIDA WILSON

- *PO Tashida Wilson was § 87(2)(b) old on the incident date. She is a black female who stands at 5'10 and weighs 180 pounds with brown hair and brown eyes.*
- *PO Wilson worked from 3:00 p.m. to 11:35 p.m. on the incident date. She was assigned to 44th Precinct Housing Conditions and was working in uniform in an unmarked car with PO Rafael Morales and PO Eula Harris.*

Arrest and Complaint Reports

PO Wilson indicated that § 87(2)(b) was arrested for “§ 87(2)(b)”. The complaint report indicates that the complaint was a pickup that occurred at 6:55 p.m. in front of 3125 Park Avenue (encl. 7b-f).

Memo book

PO Wilson indicated in her memo book (encl. 7g-i) that on the date of the incident she was on patrol with PO Morales and PO Harris. At 7:00 p.m. PO Wilson indicated one under for possession of a weapon in front of 3125 Park Avenue. § 87(2)(b) was arrested for § 87(2)(b).

CCRB testimony

On August 12, 2014, PO Tashida Wilson was interviewed at the CCRB (encl. 7j-k).

Around 7:00 p.m. on May 24, 2014, PO Wilson was in the back seat of an RMP patrolling in the vicinity of the 44th Precinct housing area. PO Morales and PO Harris were in the front, though PO Wilson could not recall which was the operator. PO Wilson observed a car in front of them with dark tints which she believed to be illegal, and no fixed plates, with the license plate just hanging off. PO Wilson observed this car for one minute and then directed the officer who was driving to pull the car over. It was PO Wilson's decision to conduct the car stop. All three officers exited the RMP and approached the stopped vehicle, which was stopped in front of 3125 Park Avenue in the Bronx.

PO Wilson approached the back of the vehicle; she could not recall which officer approached the driver. PO Wilson saw there were two males and one female in the car – the female identified as § 87(2)(b) the driver identified as § 87(2)(b) the other male identified as § 87(2)(b). The car had dark tints, and PO Wilson could not see inside. PO Wilson could not hear any conversation that the other officers were having with the driver. PO Morales at one point said, "The windows can't roll down." PO Wilson then directed the civilians to step out of the car. The driver, § 87(2)(b) was asked to step out first, and then the other civilians. PO Wilson was standing at the back passenger's seat, and asked § 87(2)(b) to exit the vehicle. PO Wilson stated it was solely her decision to have the occupants exit the vehicle. § 87(2)(b) did not have a purse on her when she stepped out, nor did PO Wilson observe any purse inside the car.

§ 87(2)(b) and the other male were walked to the back of the vehicle. PO Wilson spoke to § 87(2)(b) as she was a female also. PO Wilson asked § 87(2)(b) if she had any weapons. § 87(2)(b) said no. PO Wilson observed that § 87(2)(b) was wearing tight jeans, and had some items clearly visible as bulges in her pockets. PO Wilson observed a round bulge in one of her jeans pockets, about five inches long. No part of the bulge was sticking out of the pocket. PO Wilson believed that this could be a gravity knife, due to her training and experience. There were no other indications of this being a gravity knife. PO Wilson patted all around § 87(2)(b)'s waistband and patted down her pocket, and felt something hard and cylindrical, which she believed was a gravity knife. PO Wilson reached into the pocket and removed a canister of mace; she did not recall which pocket this was taken from. The bulge was the only factor behind the frisk. § 87(2)(b)'s demeanor was calm.

PO Wilson did not recall any car search, and specifically stated, "It wasn't searched by me." When asked to clarify, PO Wilson stated she did not recall any officer searching or entering the vehicle. PO Wilson did not know if the driver was issued a summons for the tints and plates. At no point were the officers separated, and they were all standing in close proximity throughout the incident. § 87(2)(b) was placed in handcuffs for the possession of the mace, and the officers transported her to the 44th Precinct stationhouse. The two males were left on scene. PO Wilson did not see any interaction between the males and PO Morales and PO Harris on scene.

PO Wilson's intention upon stopping the vehicle was to figure out why the license plate was not properly affixed. When asked if she ever learned why, she stated the civilians had no reason.

Subject Officer: PO RAFAEL MORALES

- *PO Rafael Morales was § 87(2)(b) old on the incident date. He is a Hispanic male who stands at 6'1 and weighs 225 pounds with brown hair and brown eyes.*
- *PO Morales worked from 3:00 p.m. to 11:35 p.m. on the incident date. He was assigned to 44th Precinct Housing Conditions and was working in uniform in an unmarked car with PO Tashida Wilson and PO Eula Harris.*

Memo book

PO Morales indicated in his memo book (encl. 8b-c) that at 6:44 p.m. PO Wilson made an arrest in front of 3125 Park Avenue.

CCRB testimony

On August 15, 2014, PO Rafael Morales was interviewed at the CCRB (encl. 8d-e).

At 7:00 p.m. on May 24, 2014, PO Morales was the operator of a vehicle containing PO Harris and PO Wilson on patrol in the 44th Precinct housing areas. PO Morales recalled that there was a car stop at 3125 Park Avenue in the Bronx. PO Morales had no recollection of this car stop or any arrest that resulted from this car stop, and could not describe any details about it. PO Morales recognized the location of 3125 Park Avenue, but he did not have any independent recollection of taking police action at that date and time at that location. PO Morales did not recognize a photograph of § 87(2)(b).

PO Morales was shown an arrest report for § 87(2)(b) filled out by PO Wilson and provided with additional details about the incident, but this did not refresh his memory.

Subject Officer: PO EULA HARRIS

- *PO Eula Harris was 30 years old on the incident date. She is a black female who stands at 5'9 and weighs 220 pounds with brown hair and brown eyes.*
- *PO Wilson worked from 3:00 p.m. to 11:35 p.m. on the incident date. She was assigned to 44th Precinct Housing Conditions and was working in uniform in an unmarked car with PO Tashida Wilson and PO Rafael Morales*

Memo book

PO Harris indicated in her memo book (encl. 9b-c) that at 6:00 p.m. she conducted a vertical at 1150 College Avenue, and resumed patrol at 6:25 p.m. At 7:48 p.m. she stopped a vehicle for unreasonable noise on University Avenue and 170th Street.

CCRB testimony

On August 15, 2014, PO Eula Harris was interviewed at the CCRB (encl. 9d-e). She was prompted in the same manner as PO Morales, but she had no recollection of a car stop, arrest, § 87(2)(b) or any part of the incident that this case regards.

NYPD Documents

Command Log

- The 44th Precinct command log (encl. 12a-e) indicates that § 87(2)(b) was logged into the stationhouse at 7:05 p.m., and released at 10:56 p.m. with a DAT.

Property Voucher

- The property voucher associated with § 87(2)(b)'s arrest (encl. 14a) indicates that a black canister of mace was vouchered as evidence, with no details as to where this mace was recovered from.

Computerized and Handwritten 250 Logs

- These documents indicate (encl. 15a-b) that four stops were made on May 24, 2014, and none of them by the three subject officers and none associated with this incident.

Status of Criminal Proceedings

- On November 21, 2014, ADA T. Charles Won of the Bronx District Attorney's Office provided the Decline to Prosecute Affidavit associated with § 87(2)(b)'s arrest (encl. 18a-b), and advised that there was no criminal court complaint associated. § 87(2)(g), § 87(2)(b) 160-50

Status of Civil Proceedings

- As of October 8, 2014, § 87(2)(b) has not filed any notice of claim with the Office of the Comptroller (encl. 17a).

Civilian Criminal History

- A BADS search indicates no arrest history for § 87(2)(b) and apart from the arrest that this incident regards, no arrest history for § 87(2)(b)

Civilian CCRB History

- This is the first complaint involving § 87(2)(b) and § 87(2)(b) with the CCRB (encl. 2e-f).

Subject Officer CCRB History

- PO Wilson has been a member of service for seven years and has no substantiated allegations filed against her (encl. 2e).
- PO Morales has been a member of service for seven years and has no substantiated allegations filed against him (encl. 2c).
- PO Harris has been a member of service for three years and this is the first allegation filed against her (encl. 2d).

Conclusion

Identification of Subject Officers

§ 87(2)(b) and § 87(2)(b) described being stopped by one male and two female officers. § 87(2)(b)'s arrest report indicates she was arrested by PO Tashida Wilson, and PO Wilson's memo book indicates that at the time of the incident, she was working with PO Morales (a male) and PO Harris (a female).

PO Wilson claimed she was sitting in the back seat of the RMP when she observed the dark tints on § 87(2)(b) car, and directed PO Morales to conduct the car stop. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that the sole male officer frisked § 87(2)(b) conducted a search of the vehicle, and searched inside § 87(2)(b)'s purse. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A—Abuse of Authority: PO Tashida Wilson stopped the car in which § 87(2)(b) was an occupant.

Civilian testimony and PO Wilson's testimony was consistent in that the window tints were the reason, or one of the reasons, for the stop. § 87(2)(b) did not dispute that the windows were tinted darkly, and described the officers informing him that his tints were illegal; § 87(2)(b) stated he told the officers he had been meaning to change them but had not got the chance. § 87(2)(g)

§ 87(2)(g)

Allegation B—Abuse of Authority: PO Rafael Morales frisked § 87(2)(b)

Allegation C—Abuse of Authority: PO Rafael Morales searched the car in which § 87(2)(b) was an occupant.

Both civilians consistently alleged that upon being asked to step out of the car, PO Morales patted down § 87(2)(b) waistband and legs while stating that he was looking for weapons and drugs. PO Morales then stated he was going to search the car for weapons and drugs, and § 87(2)(b) alleged that he asked § 87(2)(b) if there was any such contraband inside the vehicle. § 87(2)(b) observed PO Morales search the front seats, glove compartment, and back seats; § 87(2)(b) saw PO Morales entering and searching the front and back of the car but due to where he was standing could not see specifically where PO Morales was searching.

PO Wilson was the only officer out of the three to recall any details about the incident, but she had no recollection of these allegations. Though she alleged that all three officers were in close proximity and never were separated, she testified she could not hear any conversation between PO Morales and § 87(2)(b) and did not see any interaction between PO Morales, PO Harris, and either male civilian. PO Wilson furthermore did not recall any officer entering or searching any part of the vehicle, though when originally asked about the vehicle search she emphasized that it was not *she* who searched the vehicle. At the time these allegations were said to occur, PO Wilson stated she was standing near the back of the car speaking to and frisking § 87(2)(b).

PO Morales and PO Harris both had no independent recollection of the events of this incident. They did not recall the names or photo of civilians, the make and model of the vehicle, any car stop at that location, or any police action whatsoever that they took. PO Morales did not recall frisking any civilian or searching any car, or what his rationale might have been if he had done so. PO Harris likewise did not recall any civilian being frisked, any search of a vehicle, or any officer asking questions about weapons or drugs.

§ 87(2)(g)

Allegation D—Abuse of Authority: PO Rafael Morales searched § 87(2)(b)

It is undisputed that § 87(2)(b) was arrested for possession of a canister of pepper spray.

§ 87(2)(g)

Civilian testimony is consistent in that during PO Morales' car search (discussed in **Allegation C**), PO Morales picked up and unzipped § 87(2)(b)'s purse which was on the back seat. In another pouch at the bottom of this purse, PO Morales found a canister of pepper spray which had been inside for several years untouched. PO Morales then ordered PO Wilson to apprehend § 87(2)(b) and informed her that it was illegal to possess.

§ 87(2)(g), PO Wilson testified that upon asking § 87(2)(b) to step out of the car, she asked if she had any weapons on her. PO Wilson observed several bulges in her front pockets, one of which was a round, cylindrical bulge about five inches long which PO Wilson believed through her training and experience was a gravity knife. PO Wilson frisked all around § 87(2)(b).

§ 87(2)(b)'s waistband and pocket (she could not recall which pocket), and felt a hard object. PO Wilson removed this item and saw it to be a canister of mace. PO Wilson testified that the other bulge in § 87(2)(b)'s pocket was her cell phone, and that there was no other factor contributing to this frisk apart from observing the suspicious bulge.

As discussed above, PO Morales and PO Harris had no recollection of any detail of this incident, and could not describe any police action either of them took. PO Morales did not recall if he searched a car, and though he noted in his memo book that § 87(2)(b) was arrested by PO Wilson, he could not describe how the mace was recovered. PO Harris denied that she saw any mace on scene, and did not recall anyone stepping out of the car, any civilian being frisked, any bulges on any civilian, or any officer opening or entering the car.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date